IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO. 9949 of 2004

Between:

Koduru Pedda Obaiah S/o. Obaiah
R/o. Venkatapuram Village, Porumamilla Mandal, Kadapa District.

..... PETITIONER

AND

1 The Collector and District Magistrate, Kadapa District, Kadapa..
2 The Superintendent of Police Kadapa District, kadapa.
3 The Circle Inspector of Police P.S. Porumamilla, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order or direction or writ under Article 226 of the Constitution of India, more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not releasing SBML Rifle bearing No.26-794 in favour of the petitioner as bad, illegal, arbitrary and against the principles of natural justice and consequently direct the respondents to release SBML Rifle bearing No.26-794 in favour of the petitioner and pass such other and further order or orders.

Counsel for the Petitioner:MR.C.DAMODHAR REDDY

Counsel for the Respondent Nos. 1 to 3: GP FOR HOME

The Court at the admission stage made the following Order:

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THE HON'BLE Ms.JUSTICE G.ROHINI

WRIT PETITION NO.9949 OF 2004

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not releasing SBML Rifle bearing No.26-794 to the petitioner as illegal and arbitrary.

It is stated in the affidavit filed in support of the writ petition that the petitioner is a resident of Venkatapuram village, Porumamilla Mandal, Kadapa District, and since it is a faction-ridden village, for his self-protection, he has applied for gun licence in the year 1989 and after obtaining licence, he purchased SBML Rifle bearing No.26-794. The said licence has been renewed from time to time and is valid up to 31-12-2004. It is also stated that as per the directions of the respondents, he has deposited the said weapon with the third respondent on 18-07-1994. Though the petitioner was assured that the weapon would be released after some time, the same was not released inspite of making several requests, and hence, the petitioner has filed the present writ petition.

Counter-affidavit is filed on behalf of respondents stating that the first respondent-Collector and Magistrate, Kadapa District, in pursuance of the requests made by the petitioner for release of the weapon, called for a report from the second respondent-Superintendent of Police, Kadapa District. The second respondent after conducting enquiry into the matter reported that the petitioner is residing at S.Venkatapuram village, which is situated nearer to the hill area and bordering Nellore District, which is highly affected by extremists and it is likely that the weapon of the petitioner may fall into the hands of extremists, and therefore, the weapon may not be released,

however, the licence may be renewed. On the basis of the said report dated 18-04-2002, the first respondent vide proceedings F.Dis.1410/M/2001, dated 23-08-2002 informed the petitioner that his weapon will not be released and that his arms licence stands renewed up 31-12-2004.

In pursuance of the orders of this Court, learned Government Pleader has also produced connected record. It is clear from the record that the second respondent vide proceedings C.No.G2/41/2001, dated 18-04-2002 reported that there is no objection for renewal of arms licence of the petitioner, but the same cannot be released as the applicant may misuse the weapon and it may fall in the hands of anti-social elements since the village is situated nearer to the hill area bordering Nellore District. On the basis of the report, the first respondent made an endorsement to the effect that the weapon will not be released to the petitioner. It is clear from the counter-affidavit that the said fact has already been communicated to the petitioner vide proceedings F.Dis. 1410/M/2001, dated 23-08-2002.

In view of the facts and circumstances of the case, I do not find any merit in the contention of the learned Counsel for the petitioner that the petitioner's request for release of the weapon was not considered by the respondents. As seen from the material available on record and on the basis of the report submitted by the second respondent, the first respondent has already passed an order vide proceedings dated 23-08-2002 rejecting the request of the petitioner for release of the weapon. Hence the alleged inaction on the part of the respondents is unfounded.

The Writ Petition is accordingly disposed of leaving it open to the petitioner to challenge the proceedings dated 23-08-2002, if he so chooses by initiating appropriate remedy. No costs.

03-08-2004

usd

To

1 The Collector and District Magistrate, Kadapa District, Kadapa..
2 The Superintendent of Police Kadapa District, kadapa.
3 The Circle Inspector of Police P.S. Porumamilla, Kadapa District.

4 2CCs to GP for Home

5 2CD copies